

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

SUITS –Land Acquisition – Srisailam Right Branch Canal – Lands acquired at Konidedu Village, Panyam Mandal in Kurnool District excavation of for SRBC– O.P.No's.128/91& batch on the file of Prl. Sr.Civil Judge, Nandyal disposed off – Market value enhanced – Appeals partly allowed dismissed — Depositing of balance decretal amount in the Lower Court – Budget sanctioned- Orders – Issued.

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IRRIGATION & CAD(PW.LA.II)DEPARTMENT

G.O.Rt.No. 90

Date: 09-02-2009  
Read the following:-

- 1)From the Special Deputy Collector(LA), Srisailam Right Branch Canal, Nandyal Lr.Rc.E.96/2004, Dated:15-4-2008.
- 2)From the Special Collector, Srisailam Project, Kurnool Lr.Rc. B6/69/2005,Dated:28-04-2008 and 14.07.2008.
- 3)From the Spl.Chief Secretary to Govt. & CCLA, Hyderabad, Letter.No.SRP4/534/2008, dt.13-11-2008.

O R D E R:

The Special Deputy collector (LA)SRBC ,Nandyal in his letter 1<sup>st</sup> read above has reported that the dry lands in Survey .No.457/1B1 etc., for an extent of 11.66 acres of Konidedu village of Panyam mandal in Kurnool District by fixing the Market value @ Rs.1,750/- per acre for category-I lands & @ Rs.13,750/- per acre for category-II lands through Award No.27 /89-90 ,Dated:30.03.90 for excavation of SRBC. Aggrieved with the Market value awarded by the L.A.O. , the awardees have filed petitions u/s 18 of the L.A. Act with a request to refer the matter to the Civil Court for adjudication . On making references u/s 18 of L.A. Act to the Lower Court , the principal Senior Civil Judge , Nandyal had delivered Judgements enhancing the market value from Rs.11,750/- to Rs.60,500/- per acre for category-I & from Rs.13,750 to Rs.62,500 /- per acre for category- II lands in O.P.No. 128/91& Batch (4 cases) . a)The Market value has been enhanced from Rs.11,750/- to Rs.60,500/- per acre for cat-I & Rs.13,750 to Rs.62,500/- per acre for cat-II lands.b)M.V. for Fruit bearing trees is fixed as follows:7 Cheeni plants at Rs.22,624/-, Big lime trees at Rs.8,640/-, 5 small Lime trees at Rs.16,160/-,1 coconut tree at Rs.4,320/-,,2 Guava trees at Rs.8,640/-,2 Small Tamarind Trees at Rs.8,640/-,big tamarind tree at Rs.9,351/-, In addition to it, the claimants are entitled to 12%AMV from the date of notification i.e. 09.12.1989 or possession whichever is earlier till the date of award. Granted 30% solatium on the market Value fixed U/S 23(2) of the Act. They are also entitled for interest at 9% from the date of possession for a period of 1 year and there after @15% per annum till the date of payment on the enhanced compensation and also on 30% solatium. Aggrieved with the market value enhanced by the Lower Court , the Special Deputy Collector ,LA, SRBC, Nandyal has filed appeals in the Hon'ble high Court of A.P.,Hyderabad .

(P.T.O.)

2. The Hon'ble High court of A.P. has granted interim stay with a condition to pay 50% of decretal amount. Accordingly an amount of Rs.10,54,098/- has been deposited in the court of Senior Civil judge ,Nandyal on 23.03.05. Subsequently, the High Court of A.P., Hyderabad in its judgement dated :01.03.2007 in A.S.No.s 3254,3262,3265 and 3357 of 2004. while allowing the appeals in part has reduced the market value of dry lands ( category-I) from Rs.60,250/- per acre to Rs.50,000/- per acre and with regard to the market value of category-II lands , the market value as fixed by the Lower Court is confirmed.On the above judgement , the Government Pleader for Appeals , High Court of A.P., Hyderabad, vide his Lr.No.A.S.-3254/2004/A4 , 6-7-2007 has stated that the findings recorded by the Hon'ble High Court are based upon evidence on record and therefore,there are no valid grounds to disagree with the findings recorded by the Hon'ble High Court and opined that these are not fit cases to prefer further appeals to Hon'ble Supreme Court of India and advised to comply with the judgement passed by the Hon'ble High Court immediately without further delay so as to avoid payment of exorbitant rate of interest. However , as per the instructions of CCLA, the SDC ,(LA) SRBC , Nandyal has filed SLP's and the same were dismissed by the Hon'ble Supreme Court of India on 15.02.2008. Consequent on dismissal of SLP's the Spl. Deputy Collector (LA) SRBC has submitted the balance decretal charges proposals in these O.Ps to the Spl.Collector, SSP, Kurnool.

3. In turn, the Special Collector, Srisailam project , Kurnool in his letter 2<sup>nd</sup> read above has submitted budget proposals for an amount of Rs.19,52,174/- towards payment of balance decretal charges in respect of O.P.No. 128/91 &Batch( 4 cases)pertaining to 91 pertaining to Konidedu village of Panyam Mandal in Kurnool District through Chief Commissioner of Land Administration , A.P., Hyderabad with a request to recommend for the same to the Government.

4. The Spl.CS to Govt & CCLA Hyderabad in his letter 3<sup>rd</sup> read above while submitting the revised calculation sheet for an amount of Rs.18,30,887/- has sent the above proposal of Spl.Collector , SSP, Kurnool to the Government with a request to issue necessary orders.

5. In the circumstances reported by the Special Collector, Srisailam Project, Kurnool in the reference 2<sup>nd</sup> read above and in view of the report of Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad thereon in the reference 3<sup>rd</sup> read above and Government after careful examination hereby accord sanction for an amount of Rs.18,30,887/- (Rupees Eighteen lakhs thirty thousand eight hundred and eighty seven only) towards payment of balance decretal charges to be deposited in the Lower Court to the credit of OP No's.128,129,130,131 of 1991 pertaining to Konidedu Village, Panyam Mandal in Kurnool District in connection with the lands acquired for excavation of SRBC.

6. The Special Collector, SSP,Kurnool is, directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 30-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court.

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7. The amount sanctioned in para (3) above shall be debited to the detailed Head of Account "2701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 –SRBC; G.H. 11- Normal State Plan; S.H. (27) Canals and Distributaries'; 530 Major Works; 532 – Lands (charged)".

8. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.55/F4(1)/2008-1, dt.15.01.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA  
SECRETARY TO GOVERNMENT

To

The Special Collector, Srisailem Project, Kurnool,  
The Special Chief Secretary to Govt. & Chief Commissioner  
of Land Administration, Hyderabad  
The Chief Engineer(P),Irrigation, Cuddapah  
The Chief Engineer(P), Irrigation, Kurnool.  
The Engineer-in-Chief, Irrigation, Errumanzil, Hyderabad  
The Special Deputy.Collector, (LA),SRBC,Nandyal,Kurnool District.  
The Accountant General, AP, Hyderabad  
The Director of Works& Accounts, Hyderabad.  
The District Treasury officer, Kurnool  
The Joint Director, Works & Accounts TGP Cuddapah,  
The Pay & Accounts Officer ,Nandyal

Copy to:-

The PS to Minister ( Major Irrigation)  
The P.S. to Secretary(Irrigation&CAD),  
The Law Department  
The Finance(Works & Projects)Department,  
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER